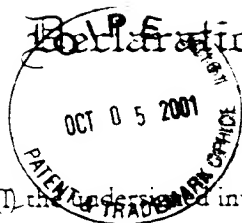


# Declaration, Power Of Attorney and Petition



Page 1 of 3

WE (I) the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

L-ARGININE PRODUCING ESCHERICHIA COLI AND METHOD OF PRODUCING L-ARGININE

the specification of which

☐ is attached hereto.

☒ was filed on June 22, 2001 as

Application Serial No. 09/886,254

and amended on \_\_\_\_\_.

☐ was filed as PCT international application

Number \_\_\_\_\_

on \_\_\_\_\_,

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.	Country	Day/Month/Year	Priority Claimed
<u>2000117677</u>	<u>Russia</u>	<u>06/07/2000</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

We (I) hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status (pending, patented, abandoned)
_____	_____	_____
_____	_____	_____
_____	_____	_____

And we (I) hereby appoint: Norman F. Oblon, Registration Number 24,618; Marvin J. Spivak, Registration Number 24,913; C. Irvin McClelland, Registration Number 21,124; Gregory J. Maier, Registration Number 25,599; Arthur I. Neustadt, Registration Number 24,854; Richard D. Kelly, Registration Number 27,757; James D. Hamilton, Registration Number 28,421; Eckhard H. Kuesters, Registration Number 28,370; Robert T. Pous, Registration Number 29,099; Charles L. Gholz, Registration Number 26,395; Vincent J. Sunderdick, Registration Number 29,004; William E. Beaumont, Registration Number 30,996; Steven B. Kelber, Registration Number 30,073; Robert F. Gnuse, Registration Number 27,295; Jean-Paul Lavalleye, Registration Number 31,451; Timothy R. Schwartz, Registration Number 32,171; Stephen G. Baxter, Registration Number 32,884; Martin M. Zoltick, Registration Number 35,745; Robert W. Hahl, Registration Number 33,893; Richard L. Treanor, Registration Number 36,379; Steven P. Weihrouch, Registration Number 32,829; John T. Goolkasian, Registration Number 26,142; Marc R. Labgold, Registration Number 34,651; William J. Healey, Registration Number 36,160; and Richard L. Chinn, Registration Number 34,305; our (my) attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to the firm of OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C., whose Post Office Address is: Fourth Floor, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Mikhail Markovich GUSYATINER

NAME OF FIRST SOLE INVENTOR

Residence: Moscow, Russia

Signature of Inventor

Citizen of: Russia

Post Office Address: #217, bldg. 403, 4.

Severnoe Chertanovo, 113646 Moscow, Russia

August 24, 2001

Date

Tatyana Viktorovna LEONOVA

Residence: Moscow, Russia

NAME OF SECOND JOINT INVENTOR



Signature of Inventor

Citizen of: Russia

Post Office Address: #852, bldg. 5, 81.

ul. Svobody, 123481 Moscow, Russia

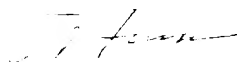
August 24, 2001

Date

Leonid Romanovich PTITSYN

Residence: Moscow, Russia

NAME OF THIRD JOINT INVENTOR



Signature of Inventor

Citizen of: Russia

Post Office Address: #188, bldg. 2, 10.

Lipetskaya ul., 115404 Moscow, Russia

August 24, 2001

Date

Tatyana Abramovna YAMPOLSKAYA

Residence: Moscow, Russia

NAME OF FOURTH JOINT INVENTOR



Signature of Inventor

Citizen of: Russia

Post Office Address: #77, bldg. 5, 31.

Lodochaya ul., 123364 Moscow, Russia

August 24, 2001

Date

NAME OF FIFTH JOINT INVENTOR

Signature of Inventor

Date

Docket No.

209870US0

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Mikhail Markovich GUSYATINER et al

SERIAL NUMBER: 09 886,254

ATTN: APPLICATION BRANCH

FILING DATE: June 22, 2001

FOR: L-ARGININE PRODUCING ESCHERICHIA COLI AND METHOD OF PRODUCING L-ARGININE

**FILING OF DECLARATION UNDER 37 CFR 1.53(f)**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:


Responsive to the notification dated August 22, 2001, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Daniel J. Pereira, Ph.D.  
Registration No. 45,518



**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 10/98)

Appendix 3

page 14

Budapest treaty on the international  
recognition of the deposit of microorganisms  
for the purposes of patent procedure

To  
Ajinomoto Co., Inc

INTERNATIONAL FORM  
receipt in the case of an original deposit  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

1-15-1 Kyobashi, Chuo-ku  
Tokyo 104-8315  
Japan  
name and address  
of depositor

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the  
DEPOSITOR

Escherichia coli 382

Accession number given by the  
INTERNATIONAL DEPOSITARY  
AUTHORITY:

B-7926

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

☒ a scientific description                      producer of L-arginine  
☐ a proposed taxonomic designation  
(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the microorganism identified under I above,  
1 which was received by it on 10.04.00                      (date of original deposit)

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depositary  
Authority  
on 10.04.00                      (date of original deposit) and a request to convert the  
original deposit to a deposit under the Budapest Treaty was received by it on  
18/05/01                      (date of receipt of request for conversion)

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Russian National Collection  
of Industrial Microorganisms (VKPM)

GosNIIgenetika  
Address: Russia 113545 Moscow  
1 Dorozhny proezd 1

Signature (s) of person(s) having the  
power to represent the International  
Depositary

Authority or authorized official(s):  
Date:                      Sineoky S.P.

06.22.01

